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1 – Don't take away more land grants, Editor, HispanoNewMexican, 6/2/13

<http://www.abqjournal.com/main/2013/06/02/north/dont-take-away-more-grant-lands.html>

TAOS – The Hispanic families and communities of northern New Mexico – for generations treated as second-class citizens by our own U.S. government – are now being hurt by the environmentalist agenda that unfortunately too many liberal politicians are supporting, while ignoring the Hispanic families and communities of New Mexico they are supposed to represent in Congress.

2 - NM officials faults Air Force fuel spill change, LCSUN, 6/1/13

http://www.lcsun-news.com/dona_ana_news/ci_23369282/nm-officials-faults-air-force-fuel-spill-change

An Air Force system for sucking fuel contamination from Albuquerque groundwater is using a less effective technology than planned, state officials said Friday.

The Albuquerque Journal reports (<http://bit.ly/Zk7gHq>) that New Mexico Environment Department also said that the Air Force made the switch without consulting state regulators.

3 - Smoke from Wildfires to Impact Santa Fe, Espanola, ADQ, 6/1/13

<http://www.abqjournal.com/main/2013/06/01/news/smoke-from-wildfires-to-impact-santa-fe-espanola.html>

Due to a cold front arriving to the area later today, smoke from the Tres Lagunas fire is expected to most significantly impact the Santa Fe Metro area, Espanola and the Pecos Canyon. Potentially unhealthy conditions could occur in these communities overnight and into the early morning.

4 - State criticizes KAFB fuel spill cleanup change, ABQ, 6/1/13

<http://www.abqjournal.com/main/2013/06/01/news/state-criticizes-kafb-fuel-spill-cleanup-change.html>

A highly touted Air Force system for sucking fuel contamination from Albuquerque groundwater is using a less effective technology than planned and the Air Force made the switch without consulting state regulators, according to the New Mexico Environment Department.

5 - Bayou Corne resident says buyouts too low, WBRZ, 5/31/13

<http://www.wbrz.com/news/bayou-corne-resident-says-buyouts-too-low/>

BAYOU CORNE - People living near the Assumption Parish sinkhole aren't happy with the buyout offers for their property, saying they're way too low.

6 - Bixby (Oklahoma) roundabout earns environmental honor, TulsaWorld, 6/3/13

http://www.tulsaworld.com/article.aspx/Bixby_roundabout_earns_environmental_honor/20130603_11_A9_CUTLIN979117

Concrete and stormwater drains are part of infrastructure improvements, but a new roundabout that improves traffic hazards and alleviates flooding problems is teeming with poppies.

7 - Sinkhole cavern: rock & sediment level drops; regulators say may indicate more stability, Republic, 6/2/13

<http://www.therepublic.com/view/story/4692d4770be5405eb4121b30ac14f40a/LA--Louisiana-Sinkhole>

There's been a drop in the rock and sediment pushed into the failed salt dome cavern suspected of creating a 15-acre sinkhole in Assumption Parish.

8 - Bayou Corne camp occupants bring sinkhole lawsuit, BRADV, 6/2/13

<http://theadvocate.com/news/6129845-123/bayou-corne-camp-occupants-bring>

East Baton Rouge and Livingston parish residents who own or lease camps in the Bayou Corne-area have joined the growing list of businesses, residents and landowners headed to court over the Assumption Parish sinkhole.

9 - New Orleans area is well-prepared for 2013 hurricane season, leaders say, NOLA, 6/3/13

http://www.nola.com/hurricane/index.ssf/2013/05/new_orleans_area_prepared_for.html#incart_river

The New Orleans metropolitan area is better prepared than ever before for the Atlantic hurricane season that begins Saturday, especially with the lessons learned from Hurricane Isaac and the virtual completion of improvements to the hurricane levee system, a chorus of local, state and federal officials said Friday.

10 - West explosion recovery center becomes SBA disaster loan outreach center, DMN, 6/3/13

<http://www.dallasnews.com/news/west-explosion/headlines/20130603-west-explosion-recovery-center-becomes-sba-disaster-loan-outreach-center.ece>

A government assistance center in a Central Texas town devastated by a deadly fertilizer plant explosion will now concentrate on providing loans

11 - A hot day without a breeze? Welcome to the first Ozone Action Day of 2013, but certainly not the last, DMN, 6/3/13

<http://thescoopblog.dallasnews.com/2013/06/a-hot-day-without-a-breeze-welcome-to-the-first-ozone-action-day-of-2013-but-certainly-not-the-last.html/>

As our Tristan Hallman noted Sunday evening, today's our first Ozone Action Day of the year, with the Texas Commission on Environmental Quality having declared Dallas-Fort Worth's air "unhealthy for sensitive groups." And it may not be the only one this week.

12 - 2 months have passed since Mayflower oil spill, TodaysTHV, 5/30/13

<http://conway.todaysthv.com/news/news/195773-2-months-have-passed-mayflower-oil-spill>

Two months after the Mayflower Oil Spill, homes remain empty, and crews continue to work and clean up. The effects from the oil spill is far from over. Wednesday marks 60 days since thousands of gallons of crude oil barreled down the streets of a Mayflower subdivision. People were forced to leave their homes two months ago and are still living in hotels, apartments or rental houses. Many of them are their those homes up for sale, and though Exxon said most of the immediate work is finished, some Mayflower residents are not so sure.

13 - Utilities Say Missed Deadline Means EPA Greenhouse Gas NSPS 'Terminated', InsideEPA, 5/31/13

<http://insideepa.com/201305312436232/EPA-Daily-News/Daily-News/utilities-say-missed-deadline-means-epa-greenhouse-gas-nsp-terminated/menu-id-95.html>

Utilities are claiming that EPA's failure to issue a final greenhouse gas (GHG) new source performance standard (NSPS) within one year after the April 2012 proposed version means the rule is "terminated" and can never be finalized, saying EPA can only proceed if it proposes and takes comment on a new version of the rule.

14 - Water Utilities Seek New EPA Guide On Terror Decontamination Plans, InsideEPA, 5/31/13

<http://insideepa.com/201305312436231/EPA-Daily-News/Daily-News/water-utilities-seek-new-epa-guide-on-terror-decontamination-plans/menu-id-95.html>

Drinking water utilities are preparing to ask EPA and the Department of Homeland Security (DHS) to develop new guidance for how utilities should respond to contamination from a terror incident due to concerns that its current response plans and available resources are inadequate.

15 - EPA tightens limits on power use by televisions, EENEWS, 6/3/13

<http://www.eenews.net/climatewire/2013/06/03/stories/1059982102>

U.S. EPA is tightening its requirements for power use in televisions. The agency's newest version of Energy Star television and display specifications -- which went into effect Saturday -- is expected to further increase energy efficiency and save consumers billions of dollars, industry experts said.

Don't take away more grant lands

By A.M. Martinez / Editor, HispanoNewMexico.com

TAOS – The Hispanic families and communities of northern New Mexico – for generations treated as second-class citizens by our own U.S. government – are now being hurt by the environmentalist agenda that unfortunately too many liberal politicians are supporting, while ignoring the Hispanic families and communities of New Mexico they are supposed to represent in Congress.



One such liberal politician is U.S. Sen. Tom Udall, a Democrat who was elected to the Senate in 2008. Udall – who was recently named America's most liberal senator by the National Journal – has been an outspoken supporter of establishing new "national wilderness areas" and other such designations that are part of the environmentalist agenda. He held two separate pep rallies in Taos earlier this year as he pushed for the pet projects of environmental groups in northern New Mexico, including the recently designated Río Grande del Norte National Monument – even though a majority of people in Taos County were against it.

Of course, it is Udall's right to support the environmentalists' agenda, just as it is the right of New Mexico's Hispanic voters to help vote him out of office next year. But it's a real shame that Udall has not helped the Hispano families and communities of northern New Mexico who for generations have been trying to get some help from members of Congress so that our Spanish and Mexican grant lands can be returned to us by the government.

About 9 million acres, out of 16 million acres, were converted into the U.S. Forest Service and most Hispano towns and villages in northern New Mexico were left without any land to support and sustain their families. Spanish and Mexican land grant lands are protected by the Treaty of Guadalupe Hidalgo, which the United States signed with Mexico at the time that New Mexico became part of the U.S. in 1848. In addition, our land grants are protected by international law and the U.S. Constitution.

The environmentalist agenda hurts northern New Mexico's Hispanic families and communities because environmentalists want to take as much land as possible in northern New Mexico and give it to the federal government, which already has way more land than it needs and that it can take care of. The U.S. Forest Service has been widely criticized by New Mexicans of all ethnic groups for its very poor management of the forest lands they control in our state, including lands that legally belong to the land grant communities.

These environmentalists want to turn northern New Mexico into an environmentalist resort – an idea and an agenda that will try to bring unlimited development and tourism into northern communities where Hispano families have lived for the past 400 years.

Here in Taos, we already can see what unlimited development and too much tourism does to a small Hispano community. Once picturesque and pastoral, Taos has become a community with way too much traffic congestion and the air pollution that goes along with too many cars on the road, way too much tourism and inflated real estate prices that make it extremely hard for families to be able to afford a home or even pay rent, among many other problems.

Taos County is the fifth poorest county in per capita income in New Mexico and New Mexico is among the

five poorest states in per capita income nationwide, according to available data, so it's easy for elitist environmentalists to want to create "national wilderness areas" in communities where they are not from.

The number one reason Hispanic families and communities in northern New Mexico suffer from high poverty rates is precisely because the government stole at least 16 million acres of our grant lands. Together with the 14 million acres of our grants that private individuals, such as former New Mexico Territorial Attorney Thomas B. Catron and former Territorial Gov. H.B. Prince among many others, stole, it's not hard to understand the widespread poverty and accompanying social problems Hispanos have had to endure – and continue to endure – for more than 100 years in our state.

Udall has not introduced a single bill in the U.S. Senate to return our grant lands. The last time a bill was introduced in Congress on behalf of the Hispanic land grant communities, the bill passed by a vote of 223-187 in the full U.S. House of Representatives. The bill, called the Guadalupe Hidalgo Land Claims Act of 1998, was introduced by former U.S. Rep. Bill Redmond, a Republican who represented northern New Mexico in Congress at the time. And it passed with bipartisan support. Unfortunately the bill was not introduced in the Senate by former Sens. Pete Domenici (R-NM) or by Jeff Bingaman (D-NM).

Today, New Mexico's Congressional delegation has a chance to help Hispanic communities regain grant lands. A majority of the Hispanic people of northern New Mexico have been Democrats and have supported Democrat candidates for office since the Great Depression. But if these Democrats don't start helping and representing the land grant communities and families soon, then the Democratic Party and its candidates will lose support and votes from New Mexico's Hispanic families and communities – a trend that already has begun.

If Udall can introduce legislation to help environmentalists get their pet projects, then we know he can introduce legislation on behalf of New Mexico's land grant families and communities so we can all put this sad and shameful chapter in our nation's and state's history behind us.

Editor's note: A longer version of this commentary appeared previously on Martinez's website.

Suggested Reading:

- [Land Grants Are Critical to Hispanos](#)
 - [Official wilderness status sought](#)
 - [Protect the Proposed Rio Grande NCA](#)
 - [Santa Fe Foundation Lands Grant](#)
 - [N.M. Tech Gets Grant To Boost Degrees](#)
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NM officials faults Air Force fuel spill change

The Associated Press News Fuze
Posted:

lcsun-news.com

ALBUQUERQUE, N.M.—An Air Force system for sucking fuel contamination from Albuquerque groundwater is using a less effective technology than planned, state officials said Friday.

The Albuquerque Journal reports (<http://bit.ly/Zk7gHq>) that New Mexico Environment Department also said that the Air Force made the switch without consulting state regulators.

The Air Force said the design change, which uses a lower temperature furnace to burn off fuel vapors, was made for fire safety reasons and that the system still meets the contamination removal requirements.

According to a May 23 letter from the Environment Department, the Air Force promised one thing when asking for state approval last year, then while the project was under construction last year quietly switched the kind of cleanup technology to one that removes contamination at a "significantly" lower rate.

"They didn't put in what they told us they were going to put in, and they didn't tell us why," Tom Skibitski, head of the Environment Department's Resource Protection Division, told the Albuquerque Journal.

The Air Force changed its original plan because of fire safety concerns, said Col. Jeff Lanning. Lanning did not dispute the Environment Department's contention that the system as built will slow removal of contamination, but said the Air Force is still collecting its own data to determine how effective the machine has been in nearly six months of operation.

Despite the design change, "our system still meets the requirements," Lanning said in an interview Friday. Lanning said the Air Force is still reviewing the Environment Department notification letter to determine how to respond to the department's concerns, including that the change was made without proper notification to the state.

State officials and Lanning both said in interviews that, despite the dispute over the technology being used, the new system is removing contamination. "They are pulling fuel out of the ground," said John Kieling, head of the Environment Department's Hazardous Waste Bureau.

Kirtland Air Force base discovered a spill from a leaking underground fuel line in 1999. Officials believe fuel had been leaking for decades. In 2007, they discovered that it had reached groundwater and was moving beneath a southeast Albuquerque neighborhood toward municipal drinking water wells.

The nearest drinking water well is less than a mile from the closest known area of groundwater contamination. Test results on the well, and a monitoring well drilled as a "sentry" between the drinking water and the fuel plume, have showed no contamination. An

Air Force report filed with the Environment Department in April concluded that the area of groundwater contamination continues to grow, with the most serious area of contamination spreading at the rate of 80 to 200 feet per year.

Information from: Albuquerque Journal, <http://www.abqjournal.com>

Smoke from Wildfires to Impact Santa Fe, Espanola

By Journal Staff

(Santa Fe, NM) — Due to a cold front arriving to the area later today, smoke from the Tres Lagunas fire is expected to most significantly impact the Santa Fe Metro area, Espanola and the Pecos Canyon. Potentially unhealthy conditions could occur in these communities overnight and into the early morning.

The New Mexico Department of Health and the New Mexico Environment Department recommend residents in these communities take precautions to minimize any health impacts from the smoke. If air quality is unhealthy as defined below, people with heart or lung disease, older adults and children should avoid prolonged or heavy physical activity outdoors. Everyone else should minimize prolonged or physical activity outdoors.

In areas without air quality monitoring equipment, visibility can serve as a good substitute in determining air quality. People should use the following guide to determine air quality from visibility: if visibility is 10 miles and up, the air quality is good; six to nine miles, air quality is moderate; three to five miles, air quality is unhealthy for sensitive people; one and a half to two and a half miles, air quality is unhealthy; one to one and a quarter miles, air quality is very unhealthy; and three quarters of a mile or less, air quality is hazardous.

The procedure for making personal observation to determine smoke concentrations is as follows:

- Face away from the sun.
- Determine the limit of your visibility range by looking for targets at known distances. Visible range is that point at which even the high contrast objects totally disappear.

When the category of visibility is 'Unhealthy for Sensitive People' or worse, take these steps:

1. If you are sensitive to smoke, evacuate the area if you can. If you choose to stay, remain indoors with the doors and windows closed.
2. If available, use a high efficiency particulate air (HEPA) filter on your air conditioner to reduce the amount of smoke pulled into your home from the outdoors. A HEPA filter may reduce the number of irritating fine particles in indoor air. Do not use swamp coolers when there are high levels of smoke outdoors because most coolers of this type will pull the smoke indoors.
3. During high temperatures, older individuals or those in frail health who do not have an air conditioner are advised to stay with family members or friends who do.
4. Reduce other sources of indoor air pollution such as smoking cigarettes or burning incense.
5. Recognize the symptoms of smoke exposure and pay attention to visibility.
6. For severe shortness of breath, chest pain, decreased mental function or other life threatening conditions, call 911 immediately.
7. Listen for news updates on the fire and smoke in your area. Continue to follow all precautions and

instructions given by fire management authorities.

Both the Tres Lagunas fire and the Thompson Ridge fires are expected to continue to put up visible smoke for several days, impacting communities downwind from the fire.

The New Mexico Environment Department and the U.S. Forest Service operate air quality monitoring equipment at multiple locations around the state. The monitors gather information about air quality conditions and help to keep the public informed. Data from the Environment Department and Forest Service air monitors can be found at <http://air.nmenv.state.nm.us%20and%20https://www.airsis.com/usfs/>.

For more information on the impacts of smoke to health, go to the Department of Health's Web page: <https://nmtracking.org/fire> or contact Jim Winchester, NMED Communications Director, at (505) 231-8800 or Kenny Vigil, NMDOH Communications Director at (505) 470-2290.

Suggested Reading:

- [Haze Warning For Metro Area](#)
 - [Albuquerque: smoke health alert](#)
 - [Air Quality Alert Issued Due to Smoke](#)
 - [Smoke From Gila Fire Closes Monument](#)
 - [Wildfire Smoke Shuts Gila Cliff Dwellings](#)
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State criticizes KAFB fuel spill cleanup change

By John Fleck / Journal Staff Writer

Regulators say switch to lower temperature furnace wasn't approved



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A highly touted Air Force system for sucking fuel contamination from Albuquerque groundwater is using a less effective technology than planned and the Air Force made the switch without consulting state regulators, according to the New Mexico Environment Department.

The Air Force said the design change, which uses a lower temperature furnace to burn off fuel vapors, was made for fire safety reasons and that the system still meets the contamination removal requirements.

The system, turned on with fanfare that included a January news conference attended by dignitaries from around Albuquerque, was built to suck fuel from deep beneath Kirtland Air Force Base's fuel loading facility, where a decades-old spill has contaminated Albuquerque groundwater, and then burn off the vapors in a furnace.

According to a May 23 letter from the Environment Department, the Air Force promised one thing when asking for state approval last year, then while the project was under construction last year quietly switched the kind of cleanup technology to one that removes contamination at a "significantly" lower rate.

"They didn't put in what they told us they were going to put in, and they didn't tell us why," Tom Skibitski, head of the Environment Department's Resource Protection Division, said in an interview.

The Air Force changed its original plan because of fire safety concerns, said Col. Jeff Lanning. Lanning did not dispute the Environment Department's contention that the system as built will slow removal of contamination, but said the Air Force is still collecting its own data to determine how effective the machine has been in nearly six months of operation.

Despite the design change, "our system still meets the requirements," Lanning said in an interview Friday. Lanning said the Air Force is still reviewing the Environment Department notification letter to determine how to respond to the department's concerns, including that the change was made without proper notification to the state.

State officials and Lanning both said in interviews that, despite the dispute over the technology being used, the new system is removing contamination. "They are pulling fuel out of the ground," said John Kielsing, head of the Environment Department's Hazardous Waste Bureau.

The Air Force discovered the spill from a leaking underground fuel line in 1999. Officials believe fuel had been leaking for decades. In 2007, they discovered that it had reached groundwater and was moving beneath a southeast Albuquerque neighborhood towards municipal drinking water wells.

The nearest drinking water well is less than a mile from the closest known area of groundwater contamination. Test results on the well, and a monitoring well drilled as a “sentry” between the drinking water and the fuel plume, have showed no contamination. An Air Force report filed with the Environment Department in April concluded that the area of groundwater contamination continues to grow, with the most serious area of contamination spreading at the rate of 80 to 200 feet per year.

The new fuel-sucking machine is an interim step to reduce the threat from the spill while a long-term cleanup plan is developed. It pulls fuel vapors from the ground, removing contamination from around the spill site before it can further contaminate groundwater.

The original plans, approved by the state last June, called for a high-temperature furnace to burn off the fuel vapor. But the final project uses a lower temperature furnace, according to a project report provided by the Air Force. The high-temperature furnace would have been capable of burning off contaminants at “a significantly higher rate,” according to the Environment Department’s May 23 letter.

Lanning said the change was required to meet fire codes because of the furnace’s proximity to the base’s current fuel aircraft fuel facility.

Suggested Reading:

- [Early tests of KAFB fuel spill come up clean](#)
- [KAFB Ramps Up Fuel Spill Cleanup](#)
- [KAFB Jet Fuel Spill Costs Discussed](#)
- [Official: Response Slow On Fuel Spill](#)
- [KAFB Widens Aquifer Search For Jet Fuel](#)

-- Email the reporter at jfleck@abqjournal.com. Call the reporter at 505-823-3916

Bayou Corne resident says buyouts too low

<http://www.wbrz.com/news/bayou-corne-resident-says-buyouts-too-low/>

June 3, 2013

Posted: May 31, 2013 5:45 PM by **Adrian Pittman**

Updated: May 31, 2013 5:45 PM

Source: WBRZ

BAYOU CORNE – People living near the Assumption Parish sinkhole aren't happy with the buyout offers for their property, saying they're way too low.

"It was an insult. It was a slap in my face," said Bayou Corne resident Debra Charlet.

Charlet and her family received a buyout offer from Texas Brine for \$236,000. It included the cost of their property, moving expenses, mental anguish, and health expenses.

"I'm not that stupid," Charlet told News 2. "I'm very intelligent. They insulted us."

Texas Brine started making the offers last week, and said 38 have been made so far. State officials said the company's responsible after the brine cavern they leased near Bayou Corne partially collapsed last year, prompting evacuations and causing property values to plunge.

People have 15 days to accept or counter offer. If they accept, they have 30 days to move.

http://www.tulsaworld.com/article.aspx/Bixby_roundabout_earns_environmental_honor/20130603_11_A9_CUTLIN979117

Bixby (Oklahoma) roundabout earns environmental honor

BIXBY - Concrete and stormwater drains are part of infrastructure improvements, but a new roundabout that improves traffic hazards and alleviates flooding problems is teeming with poppies.

Bixby was recognized for its efforts recently by the Oklahoma Chapter of the American Public Works Association, which named the 148th Street and Riverview Drive roundabout and bio-retention facility the environment project of the year.

The four-way intersection is a circulation hub for Bentley Park users and school bus routes, but records show it was problematic for years.

The streets are set at oblique angles and had stop signs only on the east and north legs which caused driver confusion.

Runoff from the park accumulated there, causing routine flooding which weakened the road base.

Now the runoff is piped into the bio-retention area, or rain garden, where native plants that tolerate wet and dry conditions absorb and break down pollutants.

New roundabout in Bixby



Overflows go through permeable paving bricks that allow the water to percolate into the soil.

City engineer Jared Cottle said they were already preparing to put in a new sanitary sewer interceptor line to eliminate three lift stations and to improve poor drainage in that area. The project gave them a chance to address the deficiencies in the intersection.

Though not nearly as common in the United States as they are in Europe, Cottle said that roundabouts are growing in popularity because they are energy-efficient since vehicles do not have to stop, and they reduce accidents.

Cottle collaborated on the roundabout design with public works director Bea Aamodt.

"I have sat there and watched drivers go through it. The medians really channel you the direction you have to go," Cottle said.

The project could have cost around \$3 million, but officials were able to get it down to around \$564,000 due to grant funding from the federal Environmental Protection Agency and a loan from the state Water Resources Board, which will be reduced by 50 percent since the project incorporates low-impact development green practices.

High-impact developments, or hard armor practices to control flooding, are seen in concrete-lined creeks.

"Sometimes green LIDs are fitted into areas that have a swampy or boggy look to them. We certainly didn't want that," Cottle said. "We're pleased with the results. I think it's aesthetically pleasing and it does fit into the park very well."

The roundabout was constructed by McGuire Brothers Construction.

"It was an atypical project, and they took a lot of pride in what they were doing," Cottle said.

The project also has an educational component. A sign on the adjacent park trail has information on what rain gardens are and how they reduce flooding and clean polluted water.



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Sinkhole cavern: rock & sediment level drops; regulators say may indicate more stability

THE ASSOCIATED PRESS

June 02, 2013 - 9:08 pm EDT



BAYOU CORNE, Louisiana — There's been a drop in the rock and sediment pushed into the failed salt dome cavern suspected of creating a 15-acre sinkhole in Assumption Parish.

That may indicate increased stability around the site, regulators and Texas Brine Co. told The Advocate (<http://bit.ly/12oMcDL>).

Since autumn, rock in the cavern has risen about 27 feet a week but a measurement Friday showed a 29-foot drop from the previous week's level — the first drop since the sinkhole emerged, parish emergency director John Boudreaux said.

Over nearly three decades, Texas Brine used pressurized fresh water to mine brine from the Napoleonville dome, a vast solid salt deposit stretching miles below the surface, creating a roughly cylindrical cavern in the salt.

Scientists think the 2,258-foot-tall cavern broke a bit more than a mile below the surface, near its bottom. The pressure of 5,600 feet of rocks, dirt and muck forced rocks and sediment into the cavity.

"It had reached a point where 98 percent of the cavern had been filled with sediment," Texas Brine spokesman Sonny Cranch said Sunday. "Now that sediment, under the weight and pressure of that depth, is starting to compact. That's our speculation."

When earth moved into the cavern, that undermined shallower layers of rock and sediment, creating a sinkhole that is now 174 feet deep, scientists have said. The flow of rock has continued, fueling growth of the sinkhole and certain types of earth tremors.

Scientists have said that the sinkhole would begin to stabilize after the cavern gets filled to its roof with rock.

If Texas Brine experts are right, dirt inside and outside the sinkhole could reach equilibrium before that.

State regulators said it was too soon to make claims about equilibrium but stability may be improving.

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Bayou Corne camp occupants bring sinkhole lawsuit

BY DAVID J. MITCHELL

River Parishes bureau

East Baton Rouge and Livingston parish residents who own or lease camps in the Bayou Corne-area have joined the growing list of businesses, residents and landowners headed to court over the Assumption Parish sinkhole.

The lawsuit filed Thursday in 23rd Judicial District Court in Assumption Parish is the ninth to address issues stemming from the sinkhole that formed in early August between the Bayou Corne and Grand Bayou communities.

The suit alleges Texas Brine Co., the Louisiana Department of Natural Resources and two other defendants are negligent in regard to the sinkhole's formation and the damages it brought. The suit claims a Texas Brine cavern in the Napoleonville Dome failed, causing the sinkhole and related releases of crude oil and natural gas into the environment.

"Defendants knew or should have known that the cavern would eventually collapse, causing extensive personal injury, property damage, contamination" and other harm, the suit says.

Attorney Mark Brown said Friday his clients are seeking damages for lost property value and loss of use of their camps since an evacuation order was issued Aug. 3, hours after the swampland sinkhole was found.

Brown said if the problems linger, the plaintiffs' claims for monetary damages could mount for the defendants.

"Right now it is loss of use," Brown said. "If Texas Brine does not get their act together and resolve the problem, it may be for permanent deprivation."

The lead plaintiff is Brown's father, Harley C. Brown, of Baton Rouge. The other plaintiffs are Eloise Brown, James Clyde Gremillion and John and Linda Rathburn.

Unlike Bayou Corne and Grand Bayou residents, who have been receiving weekly \$875 evacuation assistance checks from Texas Brine since mid-August, camp owners were denied the checks after a few weeks.

Company officials said at the time the checks were cut off that Texas Brine was taking the action because camp owners did not reside within the evacuation zone. The zone was established almost 10 months ago.

The new litigation raises claims aired in earlier suits about what Texas Brine and DNR knew in early 2011 about the integrity of the subterranean cavern and its surface access well.

The suit also alleges DNR failed to establish the long-term monitoring that Texas Brine requested for its cavern after those problems were raised and the cavern was shut and abandoned in mid-2011.

“No further remedial action was taken by Texas Brine, the State or any other responsible party or regulatory agency,” the suit alleges.

The suit claims the failure to establish long-term monitoring “resulted in the eventual collapse of the cavern.”

Sonny Cranch, spokesman for Texas Brine, declined to comment on the suit Friday, saying company officials must review it.

The state Office of Conservation, which is part of DNR, regulates salt dome operators such as Texas Brine. Patrick Courreges, DNR spokesman, said Friday that DNR cannot comment on pending litigation.

But company and DNR officials have said the type of failure that is suspected of occurring with Texas Brine’s cavern is unprecedented and could not have been anticipated based on testing that, they say, brought to light only problems with the cavern’s access well. The cavern was shut according to existing rules, officials have said.

Other defendants in the latest suit are Occidental Chemical Corp. and Miller Engineering and Associates.

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Everything New Orleans

New Orleans area is well-prepared for 2013 hurricane season, leaders say

[Mark Schleifstein, NOLA.com | The Times-Picayune](#) By [Mark Schleifstein, NOLA.com | The Times-Picayune](#)
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on May 31, 2013 at 5:12 PM, updated June 01, 2013 at 10:48 AM

It's time to get ready." -- New Orleans Mayor Mitch Landrieu

The New Orleans metropolitan area is better prepared than ever before for the [Atlantic hurricane season](#) that begins Saturday, especially with the lessons learned from [Hurricane Isaac](#) and the virtual completion of improvements to the [hurricane levee system](#), a chorus of local, state and federal officials said Friday.

But with the season beginning Saturday, each of the officials warned that residents and businesses should already have plans in place to respond to storms, including evacuation plans.

"Every response to a storm depends on the citizens, and you have to have a plan as well," New Orleans Mayor Mitch Landrieu said. "It's time to get ready."

Jefferson Parish President John Young said the string of hurricanes that have tested the area "made us better prepared and stronger," including the dramatic improvements in the levee system.

"But we all have to remember it's a risk reduction system," Young said. "It's not a foolproof system. And even though forecasters have predicted an active season, it only takes one storm to put it in action."

In Plaquemines Parish, officials have worked with the corps to repair damage done to the levee system during Isaac, Parish President Billy Nungesser said. Levees that were topped on the west and east banks last August do not meet new federal standards that require protection from surges caused by a hurricane with a 1 percent chance of occurring, a so-called 100-year storm. But areas with federally financed levees meeting those standards provided a haven for residents evacuated from flooding areas during Isaac, Nungesser said. And that meant residents didn't have to use state-operated shelters in far-away locations like Monroe, he said.

Isaac was barely a Category 1 hurricane in terms of its wind speed. But the unusual combination of its broad size and stall-and-start movement onto the state's coastline caused an unprecedented surge that flooded areas that hadn't experienced water even during Hurricane Katrina in 2005.

Worst hit were parts of St. John the Baptist Parish, where thousands of homes and businesses were flooded, renewing complaints from parish and state officials about the stalled construction of the West Shore Lake Pontchartrain levee, which could cost as much as \$1 billion.

St. John Parish President Natalie Robottom said the state's congressional delegation is pushing legislation aimed at assuring completion of a study updating the levee plans, which could result in the project gaining construction dollars during the next few years.

"It's unfortunate that people have to flood before there's action, but we know that's what happened with Katrina," Robottom said, adding that she thinks there's enough state and local support for the project to support measures guaranteeing the expected 35 percent local match.

Whether Congress follows suit remains to be seen, she said. "Congress has to decide what's too expensive, either to pay for protection or pay for the recovery," she said. "What Isaac should have shown them is that you're going to pay one way or another. Had that construction been conducted already, we wouldn't be in the situation we're in today."

Landrieu said local and state officials have paired with the corps to identify and plug remaining gaps in the hurricane system, "and we feel like we are as well prepared as we have ever been."

"But every storm humbles us. Every storm brings us something we aren't prepared for," Landrieu said. "So what we have to be prepared for is to respond to the unexpected."

During Isaac, which hit the New Orleans area on the seventh anniversary of Katrina, one of those unexpected events was the failure of a few pumps, including one that caught fire, at temporary gate-pump stations at the ends of the 17th Street, Orleans Avenue and London Avenue canals in New Orleans. Also, an electrical outage involving the London Avenue gate required it to be closed manually, and corps workers initially had trouble putting pins in place to do that.

Southeast Louisiana Flood Protection Authority-East Executive Director Bob Turner and New Orleans Sewerage & Water Board Executive Director Marcia St. Martin said those problems were quickly resolved. "The back-up procedure is to close (the London Avenue surge gate) manually, which they did," Turner said. "I'm not really that concerned about that at all. I think they have enough redundancy in their plan and enough contingency built in so that if something goes wrong, they can effect a closure there."

St. Martin said, "The corps is embedded inside the Sewerage & Water Board pump stations, so communications are excellent. We have the ability inside our pump stations to look at the status of those pumps at those three interim stations, along with the corps personnel.

"The pumps are mechanical devices," she said. "Even though there was a slight problem during Hurricane Isaac, the repairs were executed very, very quickly."

St. Martin said new, permanent combined canal closure and pump stations that will be built at the end of the three canals also will be required to have redundant systems in place. Construction on those three stations is expected to begin in about two weeks.

Turner said he's concerned about a barge gate in the Lake Borgne surge barrier wall at the Gulf Intracoastal Waterway, adjacent to eastern New Orleans.

The barge gate is next to a regular "sector" gate used by ships, and originally was designed to be used only when the sector gate was closed for maintenance. For environmental reasons, to assure an adequate flow and speed of water from the Industrial Canal through the waterway into Lake Borgne, however, the gate was kept open, except during hurricanes.

The barge swings on a pin to close, and during an initial test, a piece of equipment on a concrete shelf beneath it was accidentally left in place, resulting in a crack in the barge bottom. That crack was repaired and a team of corps and levee officials have been practicing closing the gate, Turner said.

"The good news is that the last time they operated the gate, last Tuesday, everything worked without a hitch," he said. "It's gotten a little bit better every time they've gone through the operating cycle.

"But it's a very complex piece of equipment and it takes a lot of things to make it work and a considerable amount of time," he said. "We're still working with the corps to get permission to get it closed at the beginning of the hurricane season and have it closed during the season."

The Coast Guard has adjusted its plans for shipping in the Gulf Intracoastal Waterway and the Industrial Canal during hurricane season, said Capt. Peter Gautier, who serves as captain of the Port of New Orleans.

"The premise is all vessels -- all tow boats, all pleasure craft, all barges -- need to leave in advance of a hurricane, in advance of the closure by the Army corps of (the Lake Borgne gates and the Seabrook gate at the Lake Pontchartrain entrance of the Industrial Canal)," Gautier said.


A few larger vessels will be allowed to remain in the canal during storms, but each must be granted a waiver, he said. Each must have a plan for mooring the vessel so it won't move during a hurricane.

"They do things like sink their dry docks," he said. "They have spuds, giant pipes that are pounded into the mud to keep them from floating away."

Coast Guard personnel will be keeping track of all vessels remaining in the canals, and no emergency waivers will be granted, except under extraordinary circumstances.

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West explosion recovery center becomes SBA disaster loan outreach center

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The Associated Press

Published: 03 June 2013 06:46 AM

Updated: 03 June 2013 06:46 AM

WEST — A government assistance center in a Central Texas town devastated by a deadly fertilizer plant explosion will now concentrate on providing loans.

The recovery center in West on Monday became the Small Business Administration disaster loan outreach center. The site formerly was the state and Federal Emergency Management Agency disaster recovery center.

The April 17 blast in West claimed 15 lives and left about 200 people hurt. Hundreds of homes and businesses were damaged or destroyed.

FEMA says the SBA location will be open from 9 a.m. to 6 p.m. Monday through Friday until further notice. FEMA specialists will also remain on hand to answer disaster assistance questions.


West is 70 miles south of Fort Worth.

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A hot day without a breeze? Welcome to the first Ozone Action Day of 2013, but certainly not the last



By Robert Wilonsky
rwilonsky@dallasnews.com
9:20 am on June 3, 2013 | [Permalink](#)

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As our [Tristan Hallman noted Sunday evening](#), today's our first Ozone Action Day of the year, with the Texas Commission on Environmental Quality having declared Dallas-Fort Worth's air "unhealthy for sensitive groups." And it may not be the only one this week.

The reason: warm, still air as highs climb toward 90 degrees without so much as the hint of a suggestion of a whisper of a breeze.

"There's an inversion around 4,000 feet, which traps air particles, including pollutants, near the surface," says Nick Hampshire, a meteorologist with the National Weather Service in Fort Worth. "It doesn't let them escape out of the atmosphere. Also, the winds up to 5,000 feet aren't beyond 10 mph."

The TCEQ says the extended outlook for Dallas-Fort Worth isn't good in coming days; moderate or unhealthy levels are possible through the foreseeable future. And, yes, there's a slim chance of rain late Wednesday into Thursday with an approaching cold front, but right now it doesn't look altogether promising — 20 percent, at best.

"The main chances of rain will be along the Red River and north of the Red River, where the front will stall," says Hampshire. "We're not going to be in the best area for rain. There will be a chance, but most likely we'll stay warm."

Though one person's "warm" is another person's "hot and sticky and awful," as highs through midweek linger somewhere around 92, 93 degrees — a far cry from [the record lows of just one month ago](#).

Or, as Hampshire puts it, "We went from winter to summer with a two-week spring."

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MAYFLOWER, Ark. (KTHV) - Two months after the Mayflower Oil Spill, homes remain empty, and crews continue to work and clean up. The effects from the oil spill is far from over.

Wednesday marks 60 days since thousands of gallons of crude oil barreled down the streets of a Mayflower subdivision. People were forced to leave their homes two months ago and are still living in hotels, apartments or rental houses. Many of them are their those homes up for sale, and though Exxon said most of the immediate work is finished, some Mayflower residents are not so sure.

"They told us the air quality was fine. We shouldn't have anything to worry about," said Genieve Long who lives near Lake Conway.

She, along with dozens of concerned residents, said the effects on their family are still there.

"I won't let them fish. I won't let them play in the mud. I won't let them play in the dirt just because it absorbs, and as long as it's absorbing into the ground, who knows where it's going to stop?" said Long.

"A lot more needs to be done," said Scott Smith, founder and CEO of Orflex Solutions.

Smith said he and his team have taken several samples from the Mayflower area since the clean up began. All of them, he said, show high counts of contamination.

"We've been able to fingerprint that oil, tar sands oil, and related chemicals with what we are finding in the main body of the lake," said Smith.

"We will be here until the job is finished. It's very important that we stay here and get it right for this community," explained Exxon Mobile spokesperson Mark Weesner.

Weesner said the company continues to test for contamination along with the health department, the ADEQ and EPA. So far, all of those tests have shown good results.

"The results of all those tests have been good. We continue to show good air results, and we continue to show that oil has remained out of the main body of Lake Conway," added Weesner.

No matter what the tests say, Long said she knows what the oil has done to her family and community and fears it will never be the same again.

"Please help us. Help. Don't hurt us. Help us," pleaded Long.

Exxon said they are now moving from a response phase into a remedial phase where they will continue to work with the state and test for contamination, but most of the immediate work is finished. They have replaced the broken pipeline, and this week are working to pour new driveways and curbs and replace as much concrete along the affected street as possible.

What caused the spill to happen in the first place is still under investigation.

To view the ADEQ test results, [click here](http://www.adeg.state.ar.us/hazwaste/mayflower_oil_spill_2013/default.htm) (http://www.adeg.state.ar.us/hazwaste/mayflower_oil_spill_2013/default.htm).

For more on the Mayflower oil spill, [check out our special section](http://www.thv11.com/news/mayflower_oil_spill/) (http://www.thv11.com/news/mayflower_oil_spill/) with the latest new and video.

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Daily News

Utilities Say Missed Deadline Means EPA Greenhouse Gas NSPS 'Terminated'

Posted: May 31, 2013

Utilities are claiming that EPA's failure to issue a final greenhouse gas (GHG) new source performance standard (NSPS) within one year after the April 2012 proposed version means the rule is "terminated" and can never be finalized, saying EPA can only proceed if it proposes and takes comment on a new version of the rule.

The argument offers a rebuttal to [a potential lawsuit](#) from environmentalists and some states trying to force issuance of the final climate NSPS. And it may boost the utility industry's calls for the agency to overhaul and re-propose the rule, possibly by setting separate limits for different types of power plants based on the fuels they use. The existing NSPS proposal would regulate coal-fired and natural gas plants under the same overall GHG standard.

But one environmentalist says the argument that EPA would need to withdraw the NSPS because it missed its deadline to finalize the rule is "wishful thinking" and a "fantastical" claim, adding that there is "no case law supporting this argument. . . . [Utilities are] correct that EPA has a statutory obligation to finalize the rule within a year; what they're incorrect in assuming is that missing that deadline" would require withdrawing the rule, the source says.

Environmentalists and some states have filed notices of intent to sue EPA claiming the agency is violating its Clean Air Act duties by not finalizing the climate NSPS within a year of the April 12, 2012, proposal. But the Utility Air Regulatory Group (UARG) is countering that because of the "unique and highly unusual nature" of the air law's NSPS provisions, EPA only had one year to finalize the rule and from April 13 onward the climate NSPS was "terminated."

[UARG in a May 16 letter to EPA](#) says the only option for the agency to proceed with a GHG rule for coal- and natural gas-fired power plants is to craft a new NSPS proposal. Issuance of that proposal would then trigger the one-year clock for finalizing it, though NSPS are deemed in effect for new sources at the time of proposal.

Section 111 of the air law, which outlines the NSPS program requirements, says that the one-year clock starts from the date of the proposal. The proposed rule expires, UARG says, if EPA does not issue a final rule when the clock ends, so EPA's failure to issue a final climate NSPS by April 12 means the rule "must be deemed terminated."

The proposed rule would set first-time GHG standards of 1,000 pounds of carbon dioxide per megawatt-hour for coal-fired and natural gas-fired power plants, effectively barring the construction of new coal-fired power plants unless they include carbon capture and storage, an unproven and costly technology. Critics say this would effectively bar new coal plants and have urged the agency to rewrite the rule to regulate coal plants separately.

UARG in its letter says that Congress wrote specific provisions into the Clean Air Act saying that NSPS must be finalized within one year of being proposed, with the intent to prevent extended periods of uncertainty caused by the "unique" nature of the NSPS program that applies for new sources from the date of proposal.

Because of the missed April 12 deadline to issue a final NSPS and the clear requirements to finalize the rule within one year, "it is incumbent on EPA at this time to recognize that this rulemaking has concluded without promulgation of any final rule and that the proposed rule should be deemed withdrawn," UARG says.

Statutory Deadline

Section 111(b)(1)(b) of the Clean Air Act -- covering stationary source NSPS requirements -- says that after proposing a rule and accepting public comments, the EPA administrator "shall promulgate, within one year after such publication, such standards with such modifications as he deems appropriate."

The wording of the statute for the EPA to act as the administrator deems appropriate is "properly construed as requiring nothing more of EPA than that it take final action on the rulemaking within one year of proposal," UARG says, which can be achieved by finalizing the rule or opting against issuing a final rule.

The uncertainty Congress was trying to avoid by including the one-year deadline on the rule, UARG says, is because of requirements that owners beginning construction of a source after an NSPS is proposed but before it is finalized must proceed with the expectation that they will need to comply with the final rule. UARG says that to "mitigate the temporal extent of the uncertainty," Congress set a deadline on when a proposed rule must be finalized.

The environmentalists' notice, filed by Environmental Defense Fund (EDF) and others, says they intend to sue over EPA's failure to finalize the NSPS within one year of the proposal, and also for failure to complete a non-discretionary duty to propose and finalize GHG emission guidelines for existing fossil fuel power plants.

UARG in its letter counters that there is not a non-discretionary duty for EPA to propose and finalize GHG emission standards for new and existing power plants. UARG says the claims that there is a non-discretionary duty to propose and finalize regulations for existing power plants is "a task assigned to EPA by the Agency's own regulations . . . not by the statute itself. That fact is fatal to EDF and the States' nondiscretionary-duty allegation."

But the environmentalist says the Clean Air Act includes many deadlines, and when EPA misses a deadline, it generally means EPA needs to issue a rule "as soon as possible," not that the rule should be withdrawn, the source says. EPA is often sued for missing non-discretionary deadlines, typically resulting in settlements imposing dates for rulemaking that Republicans and others have criticized as a "sue-and-settle" approach to regulation.

EPA did not respond to a request for comment by press time.

NSPS 'Sub-Categories'

The fight over finalizing the climate NSPS comes amid suggestions from industry sources that EPA might be willing to propose a new rule setting "sub-categories," with separate standards for coal and natural gas to avoid the legal challenges associated with the novel approach of regulating both fuel types under a single standard.

"There are some within EPA who believe that creating subsections by going back to the norm in the Clean Air Act would avoid potentially damaging legal challenges to the current rule," says one industry source.

Many utility groups favor a sub-categorized approach with the expectation that it would be more lenient to coal, but a leading industry voice is already cautioning that changes won't necessarily help utilities.

"I always remind folks, be careful what you wish for. Like the dog chasing the garbage truck, you just might catch it, and then where are you?" Scott Segal, a partner at the law firm Bracewell & Giuliani who often represents electric utilities, said at a May 23 Combined Heat And Power Association conference in Washington, D.C.

Segal said a sub-categorized rule would not necessarily be easier for utilities to meet, though he did say sub-categorization would "make sense," as it would be consistent with past EPA practice under the air law.

"A sub-categorized rule is not necessarily a better rule from the point of compliance, because I can create a sub-categorized rule which treats the coal fired power plants just as uncharitably as if it were an integrated rule, so be careful. The real question is whether they will fully meet the burden of 40 years of jurisprudence under the Clean Air Act and do an appropriate sub-categorization," he said.

Environmentalists however downplay prospects for EPA re-proposing the NSPS. The ongoing discussion about what might happen with a sub-categorized rule is "rumor feeding on rumor," says a second environmentalist, adding there is "no evidence that EPA intends to set separate new source standards for coal plants and gas plants."

Beyond the NSPS for new fossil-fuel fired power plants, Segal said discussions of a carbon tax are likely to increase over the next few years as Congress works on reform of the tax structure. The most recent tax code overhaul took about four years, "so

by the time tax reform is a reality, we will have had a long and painful and bloody discussion of a carbon tax. It's just too much money, it's too much of a shiny object," Segal said.

Despite attention on a carbon tax, Segal said that political realities mean the tax will likely not become a reality. "At the end of the day we may not adopt one, but that won't keep people in this room and elsewhere from having to contemplate it for maybe a year as we come to the conclusion that it's too politically difficult to do."

Marc Yacker, a government affairs official at ELCON, which represents large industrial users of electricity, said at the meeting that although discussion in Congress about a carbon tax could on for several years, "it only takes one day to do a carbon tax.." -- *Chris Knight* (cknight@iwpnews.com)

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Daily News

Water Utilities Seek New EPA Guide On Terror Decontamination Plans

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Drinking water utilities are preparing to ask EPA and the Department of Homeland Security (DHS) to develop new guidance for how utilities should respond to contamination from a terror incident due to concerns that its current response plans and available resources are inadequate.

One informed source says the request is being driven in part because EPA and many utilities were bombarded with questions on response and decontamination plans in response to a recent episode of *NCIS-Los Angeles*, a popular television show airing on CBS, that was based on a hypothetical scenario where terrorists contaminated the drinking water supply, resulting in three deaths and the need for bottled water supplies.

Drinking water utilities that are also members of the Water Sector Coordinating Council (WSCC) -- a group of water utility representatives that works on security issues -- plan to ask officials in EPA's Water Security Division and DHS to perform "collaborative assessments" to construct case studies that would inform a response to a contamination event.

The studies would describe a hypothetical contamination events, identify relevant questions and provide actionable response information to recover a water system in the event of contamination incident. "Let's define a scenario, let's walk through it, because you can't punt on a rainy day," a drinking water industry source says.

Drinking water industry sources say they are concerned about the direction of EPA's Water Security (WS) initiative, a program established in response to the 2004 Homeland Security Presidential Directive 9, which aims to address the risk of "intentional" contamination of drinking water distribution systems.

They say that after years of work, the program is still not adequate. "The [return on investment] is suspect," the industry source says of the water security initiative. "It doesn't stop somebody from contaminating the water system. The only thing it does is change, potentially, the time in which you know that something happened."

The source says the initiative has "painted the emerald city, but there's no Oz behind the curtain."

The program requires three phases of implementation. The first develops [a design of the system](#) for "timely detection and appropriate response to drinking water contamination incidents to mitigate public health and economic impacts,"; the second phase tests those warning systems through pilot programs at drinking water utilities -- such as the \$12.3 million project implemented between 2005 and 2007 in Cincinnati -- and projects for contamination warning system pilots were approved for New York City and San Francisco in April 2008.

The third phase is working to develop practice guidance and outreach "to promote voluntary national adoption of effective and sustainable drinking water contamination warning systems."

Interim Guidance

EPA April 30 posted to its website [interim guidance](#), intended as a supplement to earlier Phase III efforts, for how utilities should develop risk communication plans (RCP) in the event of an incident. The document states that it "aims to assist drinking water utilities with developing and implementing an effective [RCP] to respond to drinking water contamination incidents," is intended for drinking water utilities and local public information officers, and includes background information for developing a risk

communication plan and “the progressive phases of a contamination incident,” explaining how risk communication is integral to a utility.

The interim RCP guidance is one of several documents EPA's security program has recently released, including an April 9 document describing methodology and results for “assessing distribution system water quality data in real time and provide an alert if conditions are deemed abnormal,” as well as [a new guidance for building laboratory capacity](#) to respond to drinking water contamination.

But drinking water sources say that the interim guidance for utilities' RCPs, as well as other EPA efforts are inadequate and do not adequately deal with “post-event” occurrences. Specifically, the sources say the new interim guidance does not adequately address who would be in charge in the event of a contamination incident, who is responsible for decontamination and how it would be addressed? how the incident is communicated to the public and whether utilities and various agencies are competent to handle an incident.

The group plans to recommend that EPA and DHS provide a detailed analysis of a recovery plan in the event that a water contamination incident occurs, as utilities have received multiple information requests seeking guidance on appropriate responses to a potential emergency event following the television show's airing April 9.

NCIS-Los Angeles is a procedural drama, revolving around a fictional team of special agents from the Naval Criminal Investigative Service, which conducts criminal investigations involving the U.S. Navy and Marine Corps. The plot for the April 9 episode, entitled “Purity,” revolved around an intentional drinking water contamination incident where a former Navy officer stole about 1,000 pounds of potassium cyanide and began pumping it into the local water supply, according to a synopsis on CBS.

The informed source says dialogue between two characters in the show indicates that the water district's contamination detection equipment failed to detect the contamination.

Decontamination Issues

The utilities' request for additional guidance is similar to the action items laid out by another working group convened by the WSCC and the Water Government Coordinating Council, the Critical Infrastructure Partnership Advisory Council (CIPAC).

[That group's 2008 report](#), “Water Sector Decontamination Priorities,” outlined and prioritized the sector's overarching decontamination needs and outlined 15 key decontamination issues. Based on that analysis, the WSCC's draft request asks EPA and DHS what guidance would be provided to the impacted utility for decontamination; what the status of their contaminant specific decontamination protocols, as recommended in the 2008 CIPAC Decontamination Strategies report; whether physical attributes of the contaminant mitigate exposure due to an aesthetic or odor threshold; what the level of concern is for acute exposure; and whether or not there is a clear definition and accepted operational plan for federal roles and responsibilities in the event of a decontamination event.

A second water utility source said the WSCC is planning to hold EPA and DHS' feet to the fire. “The coordinating council and a lot of other people in the sector are seeking an opportunity to stick it to EPA, to make sure they can provide some resources and communication strategies for the utility [sector],” the second source says.

The second source has not read EPA's interim guidance but says that in conversations between drinking water utilities and EPA's water security office, officials could not provide the utilities “with anything other than generic statements” on questions regarding the protocols that are in place after a contamination event occurs. -- *Amanda Palleschi* (apalleschi@iwpnnews.com)

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3. ENERGY EFFICIENCY:

EPA tightens limits on power use by televisions

Ines Perez, E&E reporter

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U.S. EPA is tightening its requirements for power use in televisions. The agency's newest version of Energy Star television and display specifications -- which went into effect Saturday -- is expected to further increase energy efficiency and save consumers billions of dollars, industry experts said.

As it stands, televisions that meet the Energy Star criteria are on average 40 percent more efficient than regular models, saving American consumers up to \$3.5 billion a year on energy bills and reducing carbon emissions equivalent to those from 4.5 million vehicles, a study by EPA showed.

According to the Consumer Electronics Association, the new specifications will keep pace with the rapidly evolving industry, both nationally and globally, promoting even more efficiency and savings through innovation and competition.

The program "is an effective, market-oriented way to increase efficiency while protecting innovation and consumer choice," CEA President and CEO Gary Shapiro said in a statement.

It all started in the 1990s when research estimated consumers paid \$1 billion a year in energy used while their TVs and VCRs appeared to be turned off. Testing by the Lawrence Berkeley National Laboratory found that TVs alone used up to 12 watts of energy in "standby" mode.

Working together with industry trade associations and stakeholders, EPA launched an Energy Star specification for TVs and VCRs in 1998, setting the bar at 3 watts in standby mode. Subsequent versions of the program tightened these specifications to less than 1 watt and included criteria for active mode energy consumption -- that is, for when the TVs are actually on. By 2008, almost 80 percent of TVs met these requirements, the study said.

A regulatory program consumers like

"Flexible, voluntary, consumer-focused programs such as Energy Star really win the day in terms of setting an appropriate policy framework without hurting consumer choice and innovation," said CEA Technology Policy Vice President Doug Johnson.

In many ways, having the Energy Star certification acts as an added value in the eyes of consumers, creating further economic incentive to innovate.

"Both [the CEA] and EPA have seen market research that indicates that the vast majority of consumers recognize the Energy Star label -- the figures are approximately 75 percent, so it's a highly recognized program," Johnson said. The recognition is even more profound when it comes to consumers focusing on the environment and saving energy.

Thanks to the program, between 2003 and 2010 the amount of power needed per unit of screen size fell 63 percent for LCD TVs and 41 percent for plasma, according to the CEA. Now, in terms of energy performance, both display types are "pretty close" and could grow even closer with the new criteria, Johnson said.

"The crux of the new specifications is that it's a more stringent efficiency requirement," he added. "Essentially, they are raising the bar with the new specifications, requiring a higher level of energy efficiency in order to qualify for the Energy Star."

And that's the good thing about these kinds of programs, he said. Compared with more static regulation -- such as mandatory limits on power consumption -- the Energy Star program has the flexibility to revise its specifications to keep up with industry advancements.

"There are better ways for protecting innovation, protecting consumer choice, supporting competition and achieving energy efficiency, and that's the Energy Star program today," Johnson said.

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